

FILED
IN CLERKS OFFICE

UNITED STATES FEDERAL DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

2006 MAY -2 P 12: 11

CRIMINAL ACTION
NO. 04-10237-NG
U.S. DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES OF AMERICA

v.

RAMON DIAZ

PROPOSED PRELIMINARY JURY QUESTIONS

NOW COMES the Defendant in the above-numbered complaint and requests that this Court put the following questions to each person called as a jurors in order that the Defendant may intelligently exercise his right to peremptory challenges, and to ensure that each juror stands indifferent in this case and is not affected by any bias, prejudice, or interest.

1. In this case **RAMON DIAZ** is accused of conspiring with Jonathan Matos to possess cocaine, of knowingly possessing cocaine and of knowingly

possessing a firearm.

a. Does the nature of this case make you feel uncomfortable or afraid?

b. Does the nature of this case, or the way you feel about this case, make it difficult for you to evaluate evidence objectively, fairly and impartially?

2.) Have you or any of your close friends or relatives ever been the victim of drug abuse?

a. How did you react to experiencing, or learning about such an incident?

b. Do you have any emotions as a result of the experience, which would make it difficult for you to fairly and impartially evaluate the evidence in a criminal case involving allegations like those in this case?

3.) Similarly, have you or any of your close friends or relatives ever been the victim of a crime involving a firearm?

a. How did you react to experiencing or learning about such an incident?

b. Do you have any emotions as a result of the experience, which would make it difficult for you to fairly and impartially evaluate the evidence in a criminal case involving

allegations like those in this case?

4.) Have you any relatives or friends who are members of any police force, law enforcement agency, district attorney's or prosecutor's office or security agency?

a. Would your relationship with that person, or your knowledge about that person's work, make it difficult for you to evaluate the evidence objectively and without any preconceived ideas about this case?

b. Do you believe that a police officer's testimony should be given more weight or is more credible than the testimony of any other witness, all other things being equal, because the witness is a police officer?

c. If the evidence were in conflict, would you tend to believe the testimony of any other witness, because the testimony comes from a police officer?

5.) Have you been exposed to any publicity, in movies, television, or newspaper relative to drug crimes and the way they are handled by our judicial system? If so, do you have any opinions, or bias, or prejudice, or any feelings whatsoever as a result of this media exposure that may affect your

duty as a juror?

- 6.) An indictment is merely a formal legal document, prepared and filed by the government, its function being the vehicle that starts these proceedings. Does the fact that there has been an indictment in this case affect your ability to be an impartial judge of the facts in this matter?
- 7.) During this trial you will hear testimony from any number of witnesses, including the officers who arrested Mr. Diaz and his co-defendant. An arrest is an act committed by a police officer based upon the limited facts within his knowledge at the time of the arrest. An arrest, therefore, is not proof of guilt and is merely part of the factual presentation in a case. Does the fact that Mr. Diaz has been arrested and accused in this case affect your ability to remain impartial until you have heard all the evidence in this case? In other words, do you believe that because Mr. Diaz was arrested, he is probably guilty?
- 8.) Mr. Diaz is Hispanic. Do you have any feelings about Hispanics in general that would affect your ability to keep an open mind about his guilt or innocence?

During this trial you may hear testimony from

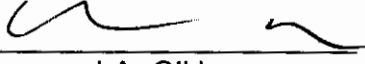
witnesses who are Hispanic in origin or who need the services of interpreters. Do you believe that if the testimony of an Hispanic witness was in conflict with the testimony of a non-Hispanic witness that you would have to believe the testimony of the non-Hispanic witness?

- 9.) Do you believe that Hispanics are more likely to be guilty of drug distribution crimes than non-Hispanics?
- 10.) It will develop during the course of this trial that Mr. Diaz and his co-defendant, Mr. Matos, are related. Both are accused of having conspired together to have committed crimes. Do you understand that you must arrive at a judgement of Mr. Diaz based on his conduct? Something that he did in furtherance of the conspiracy? Do you feel that Mr. Diaz is guilty because he is related to Mr. Matos?
- 11.) Do you believe that Mr. Diaz is guilty because he was merely present where a crime may have been committed or where evidence of a crime was found?

Respectfully submitted,
Ramon Diaz

By his attorney,

DATED: May 2, 2006


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